

Customer No.: 31561
Docket No.: 19380-US-PA
Application No.: 10/754,385

REMARKS

Present Status of Application

Claims 1-9 remain pending in the application. The Office Action mailed June 01, 2007, rejected the claims 1-9 under 35 U.S.C. 112, second paragraph for being indefinite. Claims 1-9 were rejected under 35 U.S.C. 102(b) as being anticipated by Rojas et al. (US Patent No. 6,916,469).

Claims 1 and 4 have been amended for clarification purposes, while claims 5 and 7 have been amended for correcting informalities. Supporting grounds can be found at least in paragraph [0018] of the specification. No new matter has been added to the application by the amendments made to the specification, claims and drawings. This Amendment is promptly filed to place the above-captioned case in condition for allowance.

After carefully considering the remarks set forth in this Office Action and the cited references, Applicants respectfully submitted that the presently pending claims are in condition for allowance and such reasons will be discussed hereinafter. A notice of allowance is most earnestly solicited.

Discussion for the 112 rejections

Claims 1-9 were rejected under 35 U.S.C. 112, second paragraph for being indefinite.

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The Office Action considered "food-based bait" in the claims being ambiguous, without specifying food or percentage thereof.

Accordingly, claims 1 and 4 have been amended by amending "food-based bait" as "food bait". Supporting grounds can be found at least in the paragraph [0018] of the specification. Various kinds of food baits have been disclosed in the specification; however, the scope of the present invention is not limited by descriptions of the specification.

Withdrawn of this rejection is respectfully requested.

Discussion for 35 U.S.C. 102 rejections

Claims 1-9 were rejected under 35 U.S.C. 102(b) as being anticipated by Rojas et al. (US Patent No. 6,916,469).

The Applicant has carefully considered the remarks set forth in the Office Action.

At first, the present application was filed on January 12, 2004. Regarding the rejection under 35 U.S.C. 102(b), the Applicants remark that neither the published date (08/26/2004) nor the patented date (07/12/2005) of the relied reference Rojas et al. (US Patent No. 6,916,469) is more than one year earlier than the filing date (January 12, 2004) of the present application. According to 35 U.S.C. 102(b), Rojas is therefore an improper prior art reference for rejection under 35 U.S.C. 102.

Applicants believe that the above statement is sufficient evidences to disqualify US Patent No. 6,916,469 (Rojas et al.) from being used in a rejection under 35 U.S.C.

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102(b) against the claims of Application 10/754,385.

The Office Action considered that Rojas substantially discloses all the features of this invention and asserted Rojas's bait matrix comparable to the bait of this invention.

Applicants respectfully disagree.

The amended claim 1 recites:

*1. An insecticide jelly bait for cockroaches comprising: **a pectin selected from the group consisting of: low methoxyl pectin (LMP), and low methoxyl pectin-amidated (LMPA); a food bait; composite with II valence metal ion selected from the group consisting of magnesium ion calcium ion, strontium ion, and barium ion; an insecticide selected from the group consisting of boric acid, organic phosphate, and synthesized chrysanthemum essence; and water.***

(Emphasis in bold)

Applicants submit that independent claim 1 patently defines over the prior reference for at least the reason that the cited art fails to disclose each and every feature as claimed in the present invention.

The Office Action further asserted that Rojas disclosed low methoxyl pectin by the statement of "less than 1000 units". Applicant respectfully disagrees with this assertion.

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In fact, Rojas merely discloses "Pectin is an essentially linear polysaccharide containing from a couple hundred to about 1000 saccharide units in a linked configuration" (col. 2, lines 33-38). Rojas simply discusses the possible chemical structures of the pectin, regarding the number of saccharide units. Even if the above statement was to be interpreted, it should be interpreted as relating to the molecular weights (either low molecular weight or high molecular weight) of the pectin, which are very different from the low methoxyl pectin of this invention. It seems unreasonable for the Office Action to construe such statement as disclosures of LMP or LMPA as claimed in independent claim 1.

In the present invention, the jelly bait comprises a pectin selected from low methoxyl pectin (LMP) or low methoxyl pectin-amidated (LMPA) for jelly (hydrogel) with high water contents, further enhancing the attraction or lure of the baits towards cockroaches.

Obviously, Rojas fails to teach or disclose all limitations as recited in the amended independent claim 1. Dependent claims of the independent claim 1 therefore are not anticipated by the reference Rojas for the reasons noted above, as well as for the additional features recited therein.

As a result, reconsideration and withdrawal of these rejections under 35 U.S.C. 102 are respectfully requested.

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CONCLUSION

In view of the foregoing, it is believed that all pending claims are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Date :

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Respectfully submitted,

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